

Welcome and Congratulatory Resolutions

S. R. No. 363—By Senator Moore: Commending Miss Beth Beto for her interest in State government.

S. R. No. 364—By Senator Aikin: Extending welcome to Mrs. Genie Farris, et al.

S. R. No. 368—By Senator Herring: Extending welcome to teachers and students of Sixth Grade, Walnut Creek Elementary School.

S. R. No. 369—By Senators Bridges and Herring: Extending welcome to University of Texas Government Discussion Group and sponsor, Armando Gutierrez.

S. R. No. 370—By Senator Watson: Extending welcome to Dave Simons, et al.

S. R. No. 371—By Senator Watson: Extending welcome to John B. Daniel.

S. R. No. 385—By Senator Watson: Extending welcome to Dr. Melvin Garrett.

Adjournment

On motion of Senator Aikin the Senate at 12:06 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

TWENTY-SECOND DAY

(Wednesday, February 17, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Moore
Connally	Patman
Creighton	Ratliff
Grover	Schwartz
Hall	Sherman
Harrington	Snelson
Harris	Wallace

Watson
Wilson

Word

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Herring submitted the following reports for the Committee on Jurisprudence:

S. B. No. 112.

S. B. No. 99 (Amended.)

S. B. No. 87.

S. B. No. 174.

S. B. No. 71.

S. B. No. 38.

S. B. No. 18.

S. B. No. 175 (Amended.)

S. B. No. 176 (Amended.)

Senator Jordan submitted the following report for the Committee on Labor and Management Relations:

S. B. No. 303.

Senator Kennard submitted the following report for the Committee on Public Health:

C. S. S. B. No. 27 (Read first time.)

Message From the House

Hall of the House of Representatives
Austin, Texas,
February 17, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 2, A bill to be entitled "An Act relating to defining the jurisdiction of the County Court of Johnson County and the jurisdiction of the District Court of Johnson County, relating to prescribing the duties of the District Clerk and the County Attorney of Johnson County; amending

Chapter 102, Acts of the 51st Legislature, Regular Session, 1949 (Article 1970-335, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 283, A bill to be entitled "An Act relating to a change in the method of computing deductions from wages and pensions for members of certain firemen and policemen's pension funds in certain cities; amending Sections 4, 8(a), 10, 11, 13, and 19, and Subsection (a), Section 15, Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 357, A bill to be entitled "An Act repealing Article 191, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 396, A bill to be entitled "An Act relating to including armed services personnel as eligible for resident hunting licenses under certain conditions; amending Section 1, Chapter 370, Acts of the 55th Legislature, Regular Session, 1957 (Article 895c, Vernon's Texas Penal Code); and declaring an emergency."

S. C. R. No. 22, In memory of former Senator Penrose B. Metcalfe.

S. C. R. No. 25, Inviting Astronauts to Capitol.

S. C. R. No. 26, Extending invitation to view Apollo 11 exhibit.

Respectfully submitted,
DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Mauzy:

S. B. No. 345, A bill to be entitled "An Act amending Article 8309e-2, Workmen's Compensation for employees of cities, towns and villages; providing for the application of Sections 1 and 4, of Article 8306, Revised Civil Statutes of Texas, 1925, as amended, which provides for the waiver of common law defenses of contributory negligence, fellow servant doctrine and assigned risk and

further providing for the right of employees when employer is not a subscriber to sue the employer for common law negligence; providing that this Act shall not affect any rights which have vested or accrued prior to the effective date hereof, and retaining prior laws in effect, insofar as injuries sustained prior to the effective date hereof; providing for a savings clause; repealing all laws in conflict; and declaring an emergency."

To Committee on Labor and Management Relations.

(President in Chair.)

By Senator Christie:

S. B. No. 346, A bill to be entitled "An Act providing for the legal sale of mixed beverages on a local option basis; providing for the regulation of the sale and service of certain alcoholic beverages; providing penalties; amending the following sections of Article I, Texas Liquor Control Act, as amended (Articles 666-1 through 666-57, Vernon's Texas Penal Code): Section 3; Section 3-a; Section 10; Section 11; Section 12; Subsection (a), Section 13; Section 15; Section 15(a); Subsections (5), (15), (35), and (37) Section 17; Subsection (5), Section 23(a); Section 25; Section 40; Section 49; and Subsection 7, Section 15(e); adding the following sections to Article I, Texas Liquor Control Act, as amended: Section 11-a; Section 15(g); Section 20b; Section 20c; Section 20e; and Section 58; adding a new Section 24-B, Article II, Texas Liquor Control Act (Articles 667-1 through 667-33, Vernon's Texas Penal Code); repealing Section 14, Article II, Texas Liquor Control Act; and declaring an emergency."

To Committee on Jurisprudence.

By Senator Wilson:

S. B. No. 347, A bill to be entitled "An Act relating to the abolition of the offices of county superintendent of schools and the county board of school trustees in certain counties; and declaring an emergency."

To Committee on County, District and Urban Affairs.

By Senator McKool:

S. B. No. 348, A bill to be entitled "An Act relating to a voter's use of a marked ballot or other paper con-

taining names of candidates or statements of propositions in preparing his ballot and to his exhibition of such a paper at the polling place; providing a criminal penalty for violation; amending Section 94, Texas Election Code (Article 8.12, Vernon's Texas Election Code) and Subdivision 3b, Section 37, Texas Election Code, as amended (Article 5.05, Vernon's Texas Election Code); repealing Article 242, Penal Code of Texas, 1925; and declaring an emergency."

To Committee on Privileges and Elections.

By Senator Hightower:

S. B. No. 349, A bill to be entitled "An Act permitting residents of Canada to apply for temporary permits for the operation of commercial motor vehicles; amending Section 1, Chapter 707, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 6675a-6d, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Transportation.

By Senator Hightower:

S. B. No. 350, A bill to be entitled "An Act relating to the hauling of harvesting machinery under a temporary motor vehicle registration permit; amending Section 2A, Chapter 18, General Laws, Acts of the 41st Legislature, 5th Called Session, 1930, as amended (Article 827b, Vernon's Texas Penal Code); and declaring an emergency."

To Committee on Transportation.

By Senator Hightower:

S. B. No. 351, A bill to be entitled "An Act relating to the issuance of short-term commercial vehicle permits to haul loads of larger tonnage; amending Section 1, Chapter 456, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 6675a-6b, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Transportation.

By Senator Harrington:

S. B. No. 352, A bill to be entitled "An Act requiring liability insurance on all motor vehicles registered in this state; providing for administration and enforcement; and declaring an emergency."

To Committee on Insurance.

By Senator McKool:

S. J. R. No. 23, Proposing an amendment to Sections 2 and 21, Article IV, Constitution of the State of Texas, to provide that the office of Secretary of State be made an elective position to be filled by the qualified voters of the State.

To Committee on Constitutional Amendments.

By Senator Wilson:

S. J. R. No. 24, Proposing an amendment adding Section 40a, Article XVI, Constitution of the State of Texas, to permit state officers and employees to serve on governing bodies of school districts, cities, towns, or villages; and exempting them from the restrictions on dual compensation.

To Committee on Constitutional Amendments.

By Senator McKool:

S. B. No. 336, A bill to be entitled "An Act relating to the giving of notice of loss under a policy of motor vehicle insurance; and declaring an emergency."

To Committee on Insurance.

Co-Author of Senate Bill 38

On motion of Senator McKool and by unanimous consent, Senator Kothmann will be shown as Co-author of S. B. No. 38.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

S. C. R. No. 24.

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

A SPECIAL MESSAGE TO THE MEMBERS OF THE 62ND LEGISLATURE ON HOUSING AND COMMUNITY DEVELOPMENT

"Texas is blessed not only with vast natural assets, but also with man-made communities that took root across our land as earlier generations of Texans found opportunity for

livelihood and personal fulfillment in this state. We have settled in diverse communities ranging from small towns geared to the rhythm of ranching and farming to large cosmopolitan cities that compete successfully in world trade and commerce.

"During my first term of office, I have given continuous attention to the needs and opportunities for enhancement of Texas' small and large urban places. I intend to do more in the future.

"During the last two years, my office has given more thought to, and done more work on behalf of, the urban communities of Texas than any other previous administration. We are determined to make state government responsible to the needs of its communities and to the people who live in them. We are determined to start state government on a course that will result in Texas avoiding the decay of small towns while simultaneously great cities succumb to mass problems of traffic, pollution, poor housing, high crime rates, and central city decay.

"We have no precedent to follow. No other state has found the solution. Our steps must be bold, they must be massive, and they must be carried in full cooperation with the local governmental officials who are the legitimate representatives of their communities.

"I have listened to community representatives from all across the state. We have brought state government to them with our Texas Communities Tomorrow Program. This program, administered by the Division of State-Local Relations in my office, has resulted in participation by 3500 local representatives in 20 meetings across the state, along with representatives from various agencies of state government. We advised them of the help the state could give in solving local problems and listened to the people as they expressed their needs. Our Goals Program also went to the people and we heard once again of the aspirations of Texas community leaders for excellence. Through the various agencies of state government and through my budget recommendations, I have tried to respond immediately to these needs and aspirations.

"I have also set into motion activities designed to provide direction for a careful long-range approach toward

determining the state's response to the needs of local communities:

... I have charged my staff with the responsibility of working daily with local officials so that the Governor's Office is in continuous contact with community leaders and citizens.

... I asked the Texas Research League to conduct a long-term, in-depth study of state government's role in the field of housing; and

... I created the Texas Urban Development Commission, appointed to it a distinguished group of Texas citizens to work under the leadership of Mayor Tom Vandergriff of Arlington, and charged the Commission with helping state government chart new directions for meeting its urban responsibilities.

"Each of these efforts has resulted in reports to me, and to you in the Legislative Branch, as to possible courses of action for Texas in the years ahead. Out of this work I bring you, as I promised in my message on January 20th, the following recommendations for state action to assist in the areas of housing and community development. I ask that you give your utmost attention to them during the days and months ahead. Many of them need your immediate response in the form of legislative action.

AN URBAN ACTION POLICY FOR TEXAS STATE GOVERNMENT

"Texas state government has over the years taken many actions to assist local communities and their citizens. The Executive Branch and the Legislature, however, have never together set forth a series of guiding policy directives to assist those who carry out the day-to-day responsibilities of state government. We have never given over-all guidance to those who make the thousands of daily decisions that in sum are the total response of state government to its communities.

"I am, today, proposing to you and asking that you pass by joint resolution, an official Urban Action Policy for Texas state government that will serve as guidance to all agencies and institutions of the state in carrying out their daily responsibilities.

"This policy should give broad instruction to state agencies and institutions in regard to their decisions intended to combat existing and im-

pending urban problems and effectively shape the future of Texas communities. It should deal with preserving environmental quality, improving individual opportunities, enhancing community development, and strengthening local government.

"I commend this guiding policy proposal to you and ask for your early action on it.

CREATION OF A TEXAS DEPARTMENT OF COMMUNITY AFFAIRS

"Texas must have a focal point for its work with community officials. This administration has tried to provide this by establishing a Division of State-Local Relations in the Governor's Office. I am, today, recommending to you that this Division be elevated by statute to a Texas Department of Community Affairs. This step would allow the Legislature to set forth the duties and responsibilities for the function, as it does for all other major state agencies, to consider its budget as a separate item, and give the department new assignments from time to time.

"It would allow the Governor's Office to concentrate on program development, policy planning, and resolution of pressing problems brought to it by local officials. It would also assure that the responsibility for continuing administration of state services such as local planning assistance, model cities aid, housing technical assistance, and economic opportunity programs is vested in one action-oriented state agency.

"Creation of a Department of Community Affairs will permit the full development of programs that are so involved in providing direct services as to be inappropriately placed under the direction of the Governor's staff. Departmental status will give full visibility and opportunity for growth to our beginning state efforts to assist local communities.

"I am recommending that the new department carry out the following specific functions:

"1. maintain communications with local governments and serve as their advocate at the state and federal levels.

"2. assist local governments with advisory and technical services.

"3. provide financial aid to local governments and combinations of local

governments for programs which are authorized such assistance.

"4. act as an information center and referral agency for information on state and federal services and programs affecting local government.

"5. administer, conduct, or jointly sponsor educational and training programs for local government officials.

"6. maintain suitable headquarters for the department and such other quarters as the director shall deem necessary to the proper functioning of the department.

"7. conduct research on problems of general concern to local governments;

"8. collect, publish, and disseminate information useful to local government including, but not limited to, data on local governmental finances and employment, housing, population characteristics, and land-use patterns;

"9. encourage cooperative action by local governments where appropriate;

"10. advise and inform the governor and the legislature concerning the affairs of local government and make recommendations for necessary action;

"11. assist the governor in the coordination of federal and state activities affecting local governments;

"12. administer, as appropriate, state responsibilities for programs created under the Federal Economic Opportunity Act of 1964 and other federal acts creating economic opportunity programs;

"13. perform any other duties concerning local government which may be assigned by the legislature or the governor.

CREATION OF A TEXAS ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Almost every action of state government affects local governments in some way. It is essential not only that we provide services to local governments as I have proposed to do by creation of a Department of Community Affairs, but that we also listen carefully to the advice of local officials as we plan and evaluate state actions. To accomplish this purpose of continuing involvement of local officials in state government, I am recommending to you the creation of a Texas Advisory Commission on Intergovernmental Relations. The commission would be advisory in nature, would consist of local officials, state

officials, and Texas citizens who are responsible for the administration of federal programs operating in the state. It would provide no direct state services but would evaluate the efforts of state government to assist local governments and meet other obligations in our federal system of government. The commission would have a small professional staff and its range of functions would include:

"1. evaluating on a continuous basis the interrelationships among Texas local, state, and federal government agencies and preparing studies and recommendations to improve these relationships;

"2. evaluating proposed and existing federal programs and assessing their impact upon Texas;

"3. evaluating the state's role in assisting its political subdivisions to carry out public responsibilities and make recommendations for improvement;

"4. serving as a forum for the discussion and resolution of serious intergovernmental problems;

5. encouraging, and where appropriate, coordinating studies relating to intergovernmental relations conducted by universities, state, federal and local agencies, and other research-oriented organizations.

"State government is, and will continue to be, the focal point for change in our federal system of government. It is incumbent upon us to work closely with our partners in the federal system to continually evaluate our response. This commission will provide a new way to do that on a permanent basis.

STRENGTHENING LOCAL GOVERNMENT

"State government can render no greater service to its local governments than that of providing them with the basic legal authority to provide services, to raise revenues, and to meet the new challenges that face them daily. Accordingly, I am recommending to you today a series of proposals that I believe will go far toward equipping local government to meet the challenges of the 1970's. I ask that you provide new legislative authority for local governments in the following areas.

"1. Interlocal Contracting. It has long been recognized that local governments can improve their services and implement economies by contracting with one another for the provi-

sion of services. Small communities can contract with their larger neighbor to provide services that the smaller government could not provide, or two small governments can sometimes find the resources together to provide a service that neither alone could justify. Recognition of the possible financial savings and improvements in service has led to several state enabling acts in specific functional areas such as solid waste disposal and law enforcement, but no general grant of authority has ever been given to counties, cities, and other political subdivisions for a full-range of contracting agreements. I propose that such broad authority be given to local governments to improve their services and efficiency through an interlocal contracting act.

"2. Development Standards in Unincorporated Areas. Some of our most serious urban problems occur outside of city limits where the state has given neither the city nor the county authority to set and enforce development standards. The Texas County Judges and Commissioners Association summed up the problem in a recent resolution when they said: '... part of this development in the rural areas is unregulated and uncontrolled resulting in serious problems involving proper sewage disposal, garbage collection, utilities, substandard housing, mobile housing facilities, poor streets and roads in subdivisions, small lots and parcels of land not suitable for residential purposes, lack of adequate drainage facilities and other problems incident to unplanned and haphazard use of real property.'

"In order to overcome this problem and to insure high standards of development in unincorporated areas, I am proposing that you enact permissive legislation giving cities the authority to extend their development standards into the fringe areas of growth just outside their corporate limits and legislation to give counties authority to set subdivision and building standards and enforce them. This would allow county governments to regulate subdivision development and construction standards in all other unincorporated areas, or in the urban fringe if requested to do so by a city.

"In addition, I believe the state should have a procedure for state action to set and enforce standards for development when no local government has acted and the health

and safety of its citizens is threatened by substandard conditions.

"3. Improvements in Property Tax Administration. The property tax remains the prime source of revenue of Texas local governments, and will probably continue to be so in the near future. It is essential that it be equitable and well administered. In order to achieve these goals, I propose legislative steps to taken to:

—authorize balloting on a constitutional amendment that would allow county commissioners courts to appoint county tax equalization boards on an optional basis rather than always having to perform this exacting and time consuming task themselves;

—overcome extreme inequities in the application and collection of the personal property tax on motor vehicles by exempting motor vehicles from personal property taxation and substituting a specific ownership tax collected at the time license plates are issued. Proceeds from the tax would be returned to cities, counties, and school districts;

—assist local tax assessors in improving the administration of the property tax by requiring the sale price of property to be documented by purchase of documentary stamps and the placement of these stamps on deeds and other records of property transfer. This measure would replace the federal documentary stamp tax requirement that was repealed in 1968, thereby denying local tax assessors a useful tool for the establishment of property values.

"4. Sewage Treatment Facility Financing. As I mentioned to you in my address on January 20, I am recommending a \$100 million state bond program to help local governments finance needed waste water treatment facilities.

"5. Election Law Revisions. Democratic governments gather their strength from citizen participation in the electoral process. This is especially important at the local government level where the individual citizen has the opportunity to greatly influence the policies and actions of his government. In order to make citizen participation at all levels of government more convenient, easier to administer, and less susceptible to fraud, I am recommending the establishment of a continuing registration system with the following features:

—registration facilities available throughout the year, provided that the list of registered voters certified

for participation in a particular electoral jurisdiction will be frozen 30 days prior to each election;

—re-registration required if a voter fails to vote during four consecutive years;

—required initial personal registration recording the voter's personal signature on the registration card and a voter identification card.

HOUSING

"Studies show that many of Texas' largest cities are growing faster than their housing supply and that the greatest population gains are among low income groups least able to afford adequate housing.

"A large percentage of the new homes being built are priced for those earning \$10,000 or more per year. The options for decent housing for low-and moderate-income families have become more restricted.

"To provide more affordable new housing and to improve the existing housing, where possible, I am recommending to you a new, major emphasis in state government to assist the housing industry and to assure decent housing for all Texas citizens.

"I ask that you provide legislative authority for the following:

—Creation of a State Housing Finance Corporation to be a public corporation that would provide technical assistance to non-profit sponsors of housing, provide "seed money" loans to non-profit housing sponsors from the proceeds of revenue bonds of the corporation, and perform other duties designed to encourage the production of low-and-moderate-income housing.

—Creation of a State Housing Redevelopment Corporation that could work jointly with major Texas cities to finance and build replacement housing for the thousands of Texans who now live in slum housing.

Both of the corporations I have mentioned should be public bodies and headed by the same board of directors.

—Adoption and enforcement of a state code for factory-built housing that would provide procedures whereby factory-built housing once approved as conforming with the state code could be placed anywhere in Texas. City codes would continue to govern all work performed at the housing site. This new code should be administered by the proposed Department of Community Affairs.

—Strengthening of the mobile home code adopted in 1969, by adding structural standards to it, by improving the inspection procedures, and by transferring administration of the code to the proposed Department of Community Affairs.

—Creation of a Performance Certification Board to assist in the implementation of the above mentioned new codes by establishing performance standards for products and systems to be approved by the state for use in factory-built housing and mobile homes.

—Authorization for universities of the state to assist the state and the home building industry through an Inter-University Testing and Evaluation Laboratory that would be administered by the Department of Community Affairs. The testing and evaluation would be conducted by qualified universities. Results of the testing and evaluation could be used with confidence by private enterprise and by local governments.

BALANCED URBAN GROWTH

"The vast habitable expanses of Texas make it possible for us to avoid the concentrations of people in dense urban areas that make life for all unpleasant by creating massive traffic problems, high crime rates, overburdened school systems, and staggering pollution and waste disposal problems.

"During the 1960's nine of Texas' twenty-five largest cities lost population, and hundreds of smaller communities experienced similar decreases. At the same time, growth rates of over 100 percent, in some instances, caused other Texas cities to have to struggle to provide even the basic public services necessary.

"We can accomplish what is only a dying dream in many other parts of the country. We can take steps to assure that our great cities are not pulled down in a mire of problems created by great concentrations of people, while smaller towns and cities die on the vine for want of jobs, public facilities, and cultural opportunities.

"I propose we begin today.

"1. Planning. I am, today, asking my Division of Planning Coordination to join with local officials and with agencies of the state, such as the Texas Industrial Commission, to jointly develop regional and state ur-

ban growth plans that will serve as guides to public and private action to revitalize many of our smaller cities that are losing population and jobs. At the same time, the plans should provide for assistance to larger cities, assuring steps are taken to avoid the central city decay that is common to other parts of the nation and to slow the rush of people to the big cities with the attendant strain on public services and facilities.

"2. Public Facility Location. As a part of this joint state-local planning effort, I am asking the major state agencies to review their policies for location of public facilities and other major public expenditures to determine if there are ways that careful changes in priorities can help alleviate the problems of both small and large cities. Public expenditures can vastly complicate our urban problems or they can help provide part of the solution.

"3. Technical Assistance. I am also asking my Division of Planning Coordination to work with the Texas Industrial Commission and the proposed Department of Community Affairs to find ways to initiate a massive program of concentrated technical assistance to selected Texas cities where there is opportunity to stimulate new and sound economic development or act quickly to avoid problems that are characteristic of older central cities.

"4. Financial Incentives. Finally, I ask you to enact legislation to permit the financial institutions of Texas to place up to one percent of their assets in a State Development Corporation as an investment without jeopardizing their loan limitations or other requirements placed on them. Funds so invested would be used to back job-creating industrial growth, consistent with high standards of urban development, where other private capital is not available for full financing.

OTHER SUGGESTIONS AND RECOMMENDATIONS

"1. The area of Consumer Credit is obviously in danger of being completely preempted by the Federal Government. There were over 200 proposed Consumer Credit bills pending before the 91st United States Congress when it expired. Congress has already enacted the Truth-in-Lending Act which renders much of our present Texas Consumer Credit Code unenforceable as a state law. Provision is made

in the Federal Act whereby a state may be exempt from the act by the passage of adequate state legislation. All consumer legislation should remain within the jurisdiction of State Law. Consumer protection legislation should be considered and passed by this Legislature.

"If you will help me in these steps I have outlined today, we can make Texas known as the foremost example of state government acting to meet urban problems on a scale equal to the task."

The following messages received from the Governor were read and were referred to the Committee on Nominations:

Austin, Texas,
February 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas Aeronautics Commission: For six-year terms to expire December 31, 1976: Rex. C. Cauble, of Denton, Denton County, for reappointment; Emory E. Gose, Jr., of Houston, Harris County, to replace Harry Whitworth, of Austin, Travis County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Austin, Texas,
February 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the Texas Water Well Drillers Board: To fill the unexpired term of Joe David Kirkland, of Hereford, Deaf Smith County, deceased, term to expire September 15, 1971: B. F. Block of Sunray, Moore County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Austin, Texas,
February 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Members of the Texas Optometry Board: For six-year terms to expire January 31, 1977: John Berry Bowen, O.D. of Sweetwater, Nolan County; N. Jay Rogers, O.D. of Beaumont, Jefferson County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Austin, Texas,
February 17, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointments:

To be Branch Pilots for the Sabine Bar, Pass and Tributaries: For four-year terms to expire February 1, 1975: Captain James William Throgmorton, of Groves, Jefferson County; Captain Daniel Joseph Bromley, of Groves, Jefferson County.

Respectfully submitted,
PRESTON SMITH,
Governor of Texas.

Message From the House

Hall of the House of Representatives
Austin, Texas,
February 17, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 37, A bill to be entitled "An Act amending Article 1189, Revised Civil Statutes of Texas, 1925, relating to holding of elections for the consolidation of cities; providing for the holding of such elections in any such city upon a petition signed by one hundred qualified voters, and requiring that such election be held, with certain exceptions, when the petition is signed by qualified voters equal to fifteen per cent of the total vote cast at the preceding general election for city officials; providing that the consolidation election shall first be held in the city with the smallest population according to the last preceding federal census, and other provisions pertaining to the ordering

and holding of the election; providing for the holding of such election in larger cities in inverse order of rank in population after the consolidation proposition has been approved by a majority of the voters in the smaller city or cities, and other provisions pertaining to the ordering and holding of such elections in the larger cities; providing that if the consolidation proposition is defeated in any city, the larger city or cities which have not held their election shall not order an election for consolidation; providing that if an election contest is filed in any such election, those cities which have not held the consolidation election may defer holding the election until the contest is finally terminated, and procedure where no contest is timely filed; providing that no consolidation election shall be held on the same identical proposition for a period of two years from the date of the defeat of such proposition in an election in any such city; providing that all laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of the conflict only; providing for severability; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Resolution 404

Senator Bates offered the following resolution:

Whereas, It is the desire of the Senate of Texas to pay tribute to Jack Ross, a man of rare stature, who has devoted thirty-two years of his life to serving the people of Texas; and

Whereas, Jack Ross retired from the Pardon and Parole Board in February of 1971, where he had served alternately as member and as chairman since he was first appointed by Governor Allan Shivers in 1953; he was reappointed by Governor Price Daniel in 1959 and by Governor John Connally in 1965; he came on the Board at a time when there was an intense need for strong, unbending leadership; it was through his strength of foresight, dedication and persistence that one of the finest parole systems in the United States was developed and set in motion; prior to this, Texas had no actual parole program; and

Whereas, Jack Ross was born in Yoakum, Texas, on October 17, 1905; he and his family later moved to Edinburg where he married a charming young lady by the name of Mozelle Mahon in 1925; this marriage was blessed with the birth of a lovely daughter, Betty Jane; and

Whereas, He was educated at Southern Methodist University and at The University of Texas where he received his law degree; he practiced law in Edinburg until 1936 when he was appointed Special Attorney for the Commissioner's Court of Hidalgo County; he served as Special Attorney for the International Boundary Commission, then accepted the position of First Assistant Criminal District Attorney of Hidalgo County; in 1943, he was elected District Attorney; he served this office with courage and honor during a period when law enforcement along the border presented many dangers; citizens of the area, law enforcement officers and even many of the criminals he prosecuted learned to admire Jack Ross for his honesty and his justice; and

Whereas, In 1950, Governor Allan Shivers appointed him to the post of Securities Commissioner of Texas; a year later, he accepted the office of the First Assistant Secretary of State, and in 1952, he was appointed Secretary of State; while in this office, he assumed the responsibilities of Interstate Parole Compact Administrator, which he continued to handle until 1971; now, therefore, be it

Resolved, That the Senate of the 62nd Legislature wishes to express appreciation to Jack Ross, not only for the unselfish public service he has rendered to the State of Texas, but for his exemplary life as a public official; and be it further

Resolved, That a copy of this Resolution be prepared and presented to him as a token of our admiration and gratitude.

BATES
HERRING

Signed—Lieutenant Governor Ben Barnes; Aikin, Beckworth, Bernal, Blanchard, Bridges, Brooks, Christie, Connally, Creighton, Grover, Hall, Harrington, Harris, Hightower, Jordan, Kennard, Kothmann, Mauzy, McKool, Moore, Patman, Ratliff, Schwartz, Sherman, Snelson, Wallace, Watson, Wilson, Word.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Bates the resolution was adopted.

Senate Concurrent Resolution 28

Senator Wilson offered the following resolution:

S. C. R. No. 28, Instructing Senate Enrolling Clerk to make certain corrections in S. B. No. 228.

The resolution was read.

On motion of Senator Wilson and by unanimous consent, the resolution was considered immediately and was adopted.

House Bill 115 on Second Reading

Senator Snelson moved that Senate Rules 13 and 110 be suspended and that H. B. No. 115 be taken up for consideration at this time.

The motion prevailed.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 115, A bill to be entitled "An Act to exempt from existing statutes regulating the length of motor vehicles which may be operated in this state and from statutes regulating the distance which a load may extend beyond the front or rear of motor vehicles such vehicles or combinations of vehicles used exclusively to transport poles or pipe used in oil field operations; etc.; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following amendment to the bill:

Amend H. B. No. 115 by striking Section 3 and Section 4 thereof and substituting the following Section 3 and renumbering the following sections:

Section 3. All requirements of Article 827a, Revised Penal Code shall be adhered to except the requirement if any, that a special permit be obtained for the particular purposes permitted herein.

The amendment was read.

Senator Snelson moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—25

Aikin	Harris
Bates	Hightower
Beckworth	Jordan
Bernal	Kothmann
Blanchard	Moore
Bridges	Patman
Brooks	Ratliff
Christie	Sherman
Connally	Snelson
Creighton	Watson
Grover	Wilson
Hall	Word
Harrington	

Nays—6

Herring	McKool
Kennard	Schwartz
Mauzy	Wallace

Question—Shall H. B. No. 115 be passed to third reading?

Memorial Resolutions

S. R. No. 387—By Senator Hightower: Memorial resolution for Specialist Fourth Class Paul Rios, Jr.

S. R. No. 388—By Senator Blanchard: Memorial resolution for Mrs. Oscar J. (Bo) Sexton, (Amended.)

S. R. No. 390—By Senator Watson: Memorial resolution for Miss Faye Shaw.

S. R. No. 391—By Senator Watson: Memorial resolution for J. H. (Jim) Harrell.

S. R. No. 392—By Senator Watson: Memorial resolution for Dr. Carl Friedman.

S. R. No. 393—By Senator Watson: Memorial resolution for Albin R. Sulak.

S. R. No. 394—By Senator Watson: Memorial resolution for D. C. Cousins.

S. R. No. 395—By Senator Watson: Memorial resolution for Mrs. Nannie Louella Johnson.

S. R. No. 396—By Senator Watson: Memorial resolution for Charles K. Burns.

S. R. No. 397—By Senator Watson: Memorial resolution for J. W. Gay.

S. R. No. 398—By Senator Watson: Memorial resolution for J. Bruce Duncan.

S. R. No. 399—By Senator Watson: Memorial resolution for Alva D. Mabray.

S. R. No. 400—By Senator Watson: Memorial resolution for Jerry B. Schiller.

S. R. No. 403—By Senators Watson, Wallace, Jordan, Brooks, and Grover: Memorial resolution for Newton A. Bryson.

S. R. No. 408—By Senators Kennard and Blanchard: Memorial resolution for Floyd Stanley Pearson.

Welcome and Congratulatory Resolutions

S. R. No. 386—By Senator Wallace: Extending congratulations to Mr. and Mrs. Norman W. Dorsey, Sr., on the occasion of their fiftieth wedding anniversary.

S. R. No. 389—By Senator Herring: Extending welcome to sixth grade students from St. Elmo Elementary School.

S. R. No. 401—By Senator Herring: Extending welcome to teacher and students of Travis Heights Elementary School of Austin.

S. R. No. 402—By Senator Watson: Extending welcome to Don Kelley, et al.

S. R. No. 405—By Senator Aikin: Extending welcome and privileges of the floor for today to Mrs. Frank G. Harmon, et. al.

S. R. No. 406—By Senator Brooks: Extending welcome to Texans attending Environmental Education Conference.

S. R. No. 407—By Senator Harrington: Extending welcome and privileges of the floor for today to Frank Arnaud, et al.

Adjournment

On motion of Senator Aikin the

Senate at 12:00 o'clock adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

February 17, 1971

S. C. R. No. 24

TWENTY-THIRD DAY

(Thursday, February 18, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Herring	Wilson
Hightower	Word

Absent—Excused

Harris

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Harris was granted leave of absence for today on account of illness on motion of Senator Harrington.

Reports of Standing Committees

Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs: